



S. Russell Sylva  
Commissioner

# Hazardous Waste Update

JANUARY ★★★ 1985 ★★★ JANUARY ★★★ 1985 ★★★ JANUARY ★★★ 1985 ★★★ JANUARY ★★★ 1985

## MASSACHUSETTS RECEIVES PHASE II FINAL AUTHORIZATION

Massachusetts will have final authorization to operate its Phase II hazardous waste program in lieu of the federal program, effective upon publication of this decision by EPA in the *Federal Register* this month. In granting final authorization, EPA made the determination that the Massachusetts program was equivalent and consistent with the federal program established by the Resource Conservation and Recovery Act (RCRA).

In October, however, RCRA was reauthorized and amended to include a number of new program elements and additional management standards for hazardous waste facilities. The RCRA amendments, for example, increase the requirements for facilities operating under interim status permits, establish a mechanism for banning certain wastes from landfills, and add a new program to regulate underground tanks storing petroleum products and hazardous substances.

Some of the new federal provisions, such as the regulation of small quantity generators, have been a part of the Massachusetts program for some time. Other provisions would require the state to amend its program and assume new major program responsibilities. Until the state program is amended, EPA has retained the right to issue or deny permits or those portions of permits affected by the new requirements.

In all other cases, DEQE will take sole responsibility for issuing licenses to facilities that treat, store or dispose of hazardous waste. EPA will continue, however, to provide technical and administrative support in the areas of licensing, groundwater assessment and enforcement of the state's regulations (e.g., through EPA's authority to levy administrative penalties).

Massachusetts received Phase II interim authorization in August 1984 and in September, DEQE made certain changes to the hazardous waste regulations to ensure equivalency with the federal program. Interim authorization of Phase I of the Massachusetts hazardous waste program (management standards) was granted in 1981.

## COMPANY APPEALS LICENSE REVOCATION

Charging license violations and a long history of improper hazardous waste management, DEQE on April 30, 1984 issued an Order to revoke the license to transport, store and treat hazardous wastes held by Geochem, Inc., of Lowell. The company, however, appealed the Order immediately, and, under the provisions of the State's administrative procedures law, has been allowed to remain open while the appeal is adjudicated.

The Order against Geochem resulted from a lengthy investigation conducted after a shipment of the company's wastes was impounded by officials in New Jersey, where the waste had been sent for disposal. Chemical analysis indicated that the shipment had contained PCBs, leading to the allegation by DEQE that Geochem had collected, transported and stored PCBs (as well as pesticides) when it was not licensed to do so.

Other allegations which came as a consequence of DEQE's investigation, included: exceeding the storage capacity for which Geochem was authorized, storing wastes in tanks or outdoors rather than in drums inside its building as required by its license; filling out and submitting inaccurate, incomplete or misleading facility plans, reports and manifests for hazardous waste shipments; and shipping wastes to facilities which were not authorized to handle them.

After the Order was issued, Geochem took steps to comply with its immediate requirements. By May 16, the company had removed the pesticide wastes and wastes containing PCBs in concentrations of 50 parts per million or more. On June 19, Geochem established a \$20,000 trust fund as required under the Massachusetts financial responsibility regulations. Geochem also submitted a proposal, currently under review, to identify any environmental contamination at the site. The ultimate question of revoking the company's license, however, remains to be adjudicated through the appeal process.

Enforcement actions, like the one against Geochem, are part of an active effort by DEQE to ensure that the regulated community complies with hazardous waste laws, regulations, and the terms of any license or permit required by M.G.L. c. 21C. Between October 1983 and the end of June 1984, DEQE conducted, for example, more than 500 compliance inspections of hazardous waste generators, transporters, and facilities. Following up on the violations which were found, DEQE issued, within the same time period, 97 Notices of Violations and five Administrative Orders against members of the regulated community.

## ENFORCEMENT ACTIONS FORCE LANDFILL CLOSURES

Recent DEQE enforcement actions against two commercial solid waste landfills have aggravated a shortage of disposal space that plagues the entire state, and have forced community and state officials to speed up planning for alternative methods of waste disposal.

In November, 1983, an inspection of a commercial landfill then owned by SCA Services, Inc. in Amesbury confirmed continuing violations of environmental regulations. Little progress had been made by SCA to comply with a DEQE Order to maintain a leachate collection and pumping system, investigate long-term problems, and develop solutions. While the case was referred to the Attorney General's Office, the Amesbury Board of Health closed the landfill by revoking its site assignment. In the course of negotiating a settlement, SCA began efforts to cover the site with impervious material and assess options for grading and ensuring proper drainage. The company also improved leachate collection and management by trucking up to 15,000 gallons of leachate per day from the site to nearby wastewater treatment plants. Wastes previously accepted by the landfill have been diverted to another solid waste facility. SCA has since come under new management and negotiations for additional remedial activities are being conducted with the current owners of the landfill, Waste Management, Inc. of Illinois.

In another case, a consent judgement filed in Middlesex Superior Court on June 12, 1984, requires the owners of Shaffer landfill in Billerica to correct longstanding leachate problems, control litter, and develop plans to close the facility properly over the next two years. In addition to an unprecedented penalty of \$75,000, the owners have paid \$1.325 million into a state-controlled escrow account from which they will be reimbursed as they investigate contamination and implement remedial measures. In compliance with the consent agreement, the owners submitted in September 1984 a draft Environmental Impact Report. After the period of review, the owners are now revising the report, which will include among other items, information on the groundwater impacts of the landfill. The Shaffer landfill accepts wastes from Arlington, Billerica, Carlisle, as well as from private haulers serving 12 other communities. These communities were left without a disposal site for four days in June when the terms of the consent agreement were being negotiated and the landfill was closed.

Environmental problems can be found at landfills throughout Massachusetts. DEQE estimates that 70% of the landfills which accept municipal and commercial solid waste do not comply with environmental regulations. Thirty facilities have never obtained DEQE's approval of the design and operating plans. While closing a landfill that violates environmental standards is a last resort, in some cases it is the only way to begin solving the environmental problems. Closing a facility can create other problems though, as communities must find alternative ways to dispose of their garbage.

The shortage of disposal space, in general, is becoming a critical problem. The Department of Environmental Management's Bureau of Solid Waste Disposal predicts that by 1988 the landfills which are being used by 118 communities will have reached the maximum capacity for which they were designed. Other communities will face the problem of finding alternative ways to dispose of their garbage within the more immediate future. For example, 2000 tons of garbage each day is shipped from Massachusetts communities to a Rhode Island landfill which was scheduled to close as early as December.

What are the solutions? Over the next few years, eastern Massachusetts should see the opening of three resource recovery facilities which will convert solid waste into steam and electricity. However, these plants take a long time to plan and build, and they are often subscribed at or near their capacity even before they open. With regard to capping and properly closing existing landfills, the Legislature has set aside \$10 million for financial assistance to communities. Additional bond funding for this purpose is being proposed. Such funding should help reduce the environmental problems caused by landfills which are not properly capped or closed. But, alternative disposal sites are still needed.

## ENFORCEMENT OF HAZARDOUS WASTE LAWS

A Weston businessman was fined \$10,000 and given a suspended three to five year sentence at MCI-Walpole after pleading guilty January 9, 1985 to violating the Hazardous Waste Management Act (M.G.L. c. 21C). The defendant, Carl O. Mattson, was placed on probation for two years.

Mattson, president of Vac-Cent, Inc. located in Woburn, was charged with unlawfully transferring hazardous waste to an unlicensed transporter. His indictment stems from an early morning arrest September 28, 1984, of two Vac-Cent employees, John and Earle Shepardson of Barre and Athol, respectively. The men have been charged with illegal transportation and disposal of hazardous waste and are scheduled to be arraigned on February 8, 1985.

Their arrest came after Acton police were contacted by a hitchhiker who allegedly observed the two men rolling barrels into the bushes along Route 2. A subsequent investigation conducted by Acton police, Massachusetts State Police, DEQE and the Attorney General's Office linked the barrels to the Vac-Cent facility. Mattson allegedly had an agreement to pay Earle Shepardson to dispose of some 14 barrels of waste, found to contain caustic soda, from his metal casting firm.

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In addition to the fine and suspended sentence, Mattson was ordered to pay cleanup costs amounting to over \$20,000. The cleanup and removal actions were conducted by DEQE's emergency response team.

**General Chemical, Inc.** of Framingham agreed to pay a \$10,000 penalty in settlement of a civil complaint which alleged violations of the Hazardous Waste Management Act (M.G.L. c. 21C) and 310 C.M.R. 30.000. An explosion of a solvent drying unit at the company's hazardous waste facility on June 4, 1984 was the event which led to the complaint being filed by the Attorney General's Office on DEQE's behalf.

**Atlantic Corey Crane Service** of Dracut was fined a total of \$62,500 after pleading guilty on September 5, 1984 to the charge of illegal storage of hazardous waste. A highway incident, which occurred on May 29, 1984, was the event that led to the indictment of the company for violation of the Hazardous Waste Management Act (M.G.L. c. 21C).

The incident involved a company-owned truck from which the contents of a transformer discharged along two highways in the Methuen and Haverhill area. The discharge, estimated at 100-200 gallons, was found to include polychlorinated biphenyls (PCBs) and trichlorobenzene.

An investigation conducted by DEQE and the State Police resulted in the criminal prosecution of the company by the Attorney General's Office.

**SCA Chemical Services, Inc.** was found guilty on August 30, 1984 and fined \$20,000 for failure to notify DEQE of a spill of contaminated oil at the company's Braintree facility. The spill of an estimated 200 gallons of oil containing polychlorinated biphenyls (PCBs) occurred on June 25, 1984.

An investigation conducted jointly by DEQE and the Attorney General's Office after the incident led to a criminal complaint being issued against SCA for violation of the reporting requirements of the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act (M.G.L. c. 21E).

### PEABODY FIRE TESTS EMERGENCY RESPONSE NETWORK

On May 10, an explosion at the Henry Leather Tannery in Peabody started a 10-alarm fire that quickly spread to a neighboring chemical distributor and another leather finishing firm. Barrels in which tannery chemicals were stored were blown into the air by the force of the fire, some landing as far as 150 feet from the tannery complex. One worker was killed in the fire when parts of the tannery caved in, and toxic fumes sent some 200 people to Salem Hospital.

Hazardous chemicals presented major problems in fighting this fire, an effort which required the coordinated involvement of state environmental and public health agencies, as well as disaster response offices. The Peabody Fire Department was first on the scene, and immediately consulted its records to identify flammable materials stored there. Local and state civil defense departments soon followed with specialized equipment, and proceeded to coordinate the efforts of firefighters from 40 communities, as well as other agencies responding to the blaze.

DEQE's Office of Incident Response, which was called in by the state Civil Defense Agency, quickly reviewed the situation with on-scene officials and mobilized the State's emergency response contractor, Clean Harbors, Inc. Within an hour, Clean Harbors, its subcontractors (ENPRO Services and Camp, Dresser & McKee) and DEQE staff began to monitor wind conditions and to sample and analyze hazardous chemicals in the smoke plume. When metal particulates and hazardous chemicals were found in the plume, the State Department of Public Health and DEQE recommended that residents whose health might be affected be evacuated from the area.

Clean Harbors and DEQE staff also set up berms to control runoff of water contaminated by the tannery chemicals. In spite of these efforts, some leather dyes eventually reached the North River. Wastewater conditions were monitored by the U.S. Environmental Protection Agency at DEQE's request.

Within five hours after the initial explosion, the fire was controlled and site assessment and cleanup had begun. Clean Harbors, ENPRO, and Peabody's demolition contractor cooperated to identify and package wastes. Organic solvents, flammable liquids, dyes, fuel oil, contaminated water and some materials containing heavy metals were shipped to hazardous waste facilities. Cleaning up the hazardous waste in the half-block area, including disposing of waste from underground tanks, cost approximately \$430,000.

These costs were paid for out of the State Superfund, a \$25 million bond fund established by Chapter 7 of the Acts of 1983. The Act added a new Chapter 21E to the General Laws providing DEQE with wide-ranging authority to deal with the more than 1000 chemical spills and emergencies which occur each year. Through the enforcement provisions of M.G.L. c. 21E, DEQE has recovered, since 1983, more than \$2.5 million from parties responsible for spills and uncontrolled hazardous waste sites, and efforts are underway to recover the costs of the Peabody fire clean up from the responsible parties.

### UNIFORM MANIFEST

As adopted by the U.S. Environmental Protection Agency in March, a new nationally uniform manifest form was required to accompany all hazardous waste shipments transported after September 19, 1984. This form has been designed to ensure consistent reporting to all states and to eliminate the need for multiple state manifests with a single hazardous waste shipment. In addition, Massachusetts has joined other northeastern states in requiring a pre-printed state document number, state generator and transporter identification numbers, and handling codes for each waste.

These forms must be used for all shipments destined for facilities in Massachusetts. These forms are printed in dark green ink and have pre-printed manifest numbers beginning with "MA B". Forms with numbers beginning "MA A" and the New England manifests were no longer acceptable after December 1, 1984.

If you are shipping wastes to another state, or have questions on using the new form, call Karl Eklund at DHW (617/292-5582). The manifest form can be purchased from Certified Business Forms, Inc., 217 California St., Newton, MA 02158 (617/969-0550).

### NOTES FOR REGULATED FIRMS

**Compliance Fees:** Regulations requiring that DEQE assess *compliance fees for inspections of facilities* which treat, store or dispose of hazardous waste took effect on July 1, 1984. The fees range from \$305 annually for an on-site storage facility to \$9,150 annually for a facility accepting hazardous waste from off-site. The regulations (801 CMR 4.02, "Fees for Licenses, Permits, and Services to be Charged by State Agencies") are available from the State Bookstore, Room 116, State House, Boston MA 02133 (617/727-2834). If you have questions about how the compliance inspection fees affect your firm, call David Berry (617/292-5880) in DEQE's Hazardous Waste Compliance Unit.

**EPA ID Numbers:** A streamlined *form for notifying DEQE that your firm handles hazardous wastes and for applying for an EPA Identification Number* is now available from DEQE. If you are a new generator, or if you are moving, call 617/292-5822 for a notification package.

**Tank Testing:** *Owners or operators of hazardous waste facilities were required to test their underground tanks for leaks by December 31, 1984 if the tanks did not meet secondary containment and monitoring requirements (see 310 CMR 30.693).* Allowable testing methods are described in 310 CMR 30.693 (4) (a). If a tank is found to leak, it must be reported to your DEQE Regional Office. See 310 CMR 30.099 (6) (d) for other requirements. Call the State Bookstore for copies of these regulations (617/727-2834).

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